

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**-against-**

**ROBERT J. MUELLER, DEEPROOT FUNDS  
LLC (a/k/a dprt Funds, LLC), AND POLICY  
SERVICES INC.,**

**Defendants,**

**-and-**

**DEEPROOT TECH LLC, DEEPROOT  
PINBALL LLC, DEEPROOT STUDIOS LLC,  
DEEPROOT SPORTS & ENTERTAINMENT  
LLC, DEEPROOT RE 12621 SILICON DR  
LLC,**

**Relief Defendants.**

**Civil Action No.: 5:21-cv-785-XR**

**JOINT MOTION TO SET SCHEDULE FOR BRIEFING AND  
A HEARING ON MONETARY REMEDIES AS TO DEFENDANT MUELLER**

**TO THE HONORABLE COURT:**

The parties jointly request the Court enter a briefing schedule concerning monetary remedies. Defendant Robert Mueller also requests the Court set a hearing on factors related to monetary remedies. The SEC does not oppose Mr. Mueller's request and the parties jointly propose herein a schedule for such a hearing.

**Background**

On June 21, 2024, the Court entered a Judgment against Mr. Mueller. ECF No. 162 ("Judgment"). Section VII of the Judgment states that Mueller "shall pay disgorgement of ill-gotten gains, prejudgment interest thereon, and a civil penalty," (collectively, "Monetary

Remedies”). The Judgment also states that amounts of disgorgement and civil penalty shall be determined by the Court upon motion of the SEC. *Id.* The Judgment also discusses a potential hearing regarding Monetary Remedies. *Id.*

The Judgment was agreed to by the SEC and Mueller as memorialized in the Consent of Robert J. Mueller. ECF No. 161-2 (“Consent”). In the Consent, Mueller agreed that the Court would decide the amount of disgorgement, prejudgment interest, and civil penalty due. Consent, 3-4. The Consent also includes an agreement that neither party will oppose a motion by the other party to request a hearing to decide Remedies. *Id.*

### **Monetary Remedies Briefing Schedule**

The parties have met and conferred and jointly propose the below schedule to brief Monetary Remedies. The proposed schedule allows the staff of the SEC sufficient time to obtain authorization from the Commissioners of the SEC to seek specific Monetary Remedies from Mr. Mueller and avoids scheduling conflicts for counsel for both parties.

1. The SEC’s Monetary Remedies brief is due on or before September 20, 2024.
2. Mr. Mueller’s response to the SEC’s Monetary Remedies brief is due on or before November 8, 2024.
3. The SEC’s reply in support of its Monetary Remedies brief is due on or before December 6, 2024.

### **Proposed Remedies Hearing**

The parties have conferred and agree that a Monetary Remedies hearing, including any argument requested by the Court, can be completed in two days or less with the parties sharing time equally. The parties have also conferred and jointly propose the below schedule for exchanging witness and exhibit lists and lodging objections in advance of such a hearing.

1. 45 days before a scheduled Monetary Remedies hearing, the parties shall file with the Court their lists of proposed witnesses, if any, and exhibits for a Monetary Remedies hearing.

2. 30 days before a scheduled Monetary Remedies hearing, the parties shall file with the Court objections to proposed witnesses and exhibits and any rebuttal witnesses the parties intend to call.

The parties have met and conferred and agreed that they are available for a Monetary Remedies hearing the weeks of January 20, January 27, and March 3.

### **Conclusion**

Accordingly, the parties respectfully request that the Court grant their joint motion as set forth herein. A proposed order is attached to this motion.

Date: July 1, 2024

Respectfully submitted,

/s/ Charlie L. Divine

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*Counsel for Defendant Robert J. Mueller*

**CERTIFICATE OF SERVICE**

I certify that on July 1, a true and correct copy of the foregoing document was filed electronically through the Court's CM/ECF system, which will send copies to all counsel of record.

/s/ Charlie L. Divine

Charlie L. Divine

*Counsel for Plaintiff United States Securities  
and Exchange Commission*